

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

<b>MICHELLE LEE HELM, individually</b>	]	
<b>and as Guardian and next friend of</b>	]	
<b>T.D.H., a minor child,</b>	]	
[		
<b>Plaintiffs,</b>	]	<b>4:15-cv-01152-ACA</b>
[		
<b>v.</b>	]	
[		
<b>RAINBOW CITY, ALABAMA, et al.,</b>	]	
[		
<b>Defendants.</b>	]	

**MEMORANDUM OPINION**

The only claim remaining in this case is Plaintiff Tiara Helm's claim for premises liability against Defendant Center Stages of Etowah County, Inc., arising from the alleged failure to control a crowd that trampled her, leading to an alleged deprivation of her constitutional rights by the other defendants. (Doc. 26 at 56–57). After trial, the jury returned a verdict in favor of the other defendants, finding that Ms. Helm did not suffer a constitutional violation. (Doc. 206). As a result, the court ordered Ms. Helm to show cause why the court should not dismiss her claim against Center Stages of Etowah County. (Doc. 202); *see Gulf Coast Fans, Inc. v. Midwest Elecs. Importers, Inc.*, 740 F.2d 1499, 1512 (11th Cir. 1984) (“[W]hen defendants are similarly situated, but not jointly liable, judgment should not be entered against a defaulting defendant if the other defendant prevails on the merits.”). The deadline to

respond has passed without a response. Accordingly, the court **WILL DISMISS** the claim against Center Stages of Etowah County.

The court will enter a separate final judgment.

**DONE** and **ORDERED** this November 30, 2021.



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**ANNEMARIE CARNEY AXON**  
UNITED STATES DISTRICT JUDGE